

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 3, 5, 6, 8-10, 13 and 15 have been amended. Claims 1, 2, 4, 7, and 14 have been canceled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 3, 5, 6, 8-13, and 15 are pending in the present application, of which claims 9, 10, 13, and 15 are independent.

**Noted - Priority Document Received By USPTO**

The indication (see Office Action Summary of the Office Action mailed July 22, 2008, boxes 12(a)(1) are checked) that the certified copy of the priority document has been received by the USPTO is noted with appreciation.

**Noted – Information Disclosure Statements Considered**

The indication (see Examiner-initialed attachments to the present Office Action and the Office Action mailed November 15, 2007) that the Information Disclosure Statements as filed on January 7, 2009 and February 4, 2004 and references listed therein have been considered is noted with appreciation.

**Noted - Drawings Approved**

The indication (see Office Action Summary of the Office Action mailed July 22, 2008, boxes 10(a) are checked) that the Drawings (submitted on February 4, 2004) have been approved is noted with appreciation.

**Claim Rejection Under 35 U.S.C. §103**

Claims 1-3, 5, 6, 9-13 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over V. Dureau (U.S. Publication No. 2003/0135860, hereafter Dureau) in view of J.C.I. Chuang et al. ("Pricing Multicast Communication: A Cost Based Approach", hereafter Chuang).

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Dureau in view of Chuang, further in view of A. Tabatabai et al. (U.S. Publication No. 2003/0031260, hereafter, Tabatabai).

**INDEPENDENT CLAIM 9**

As an example, independent claim 9 recites (among other things) features of “a receiving unit to receive a video stream containing a plurality of videos of different image qualities delivered via a first network and separate the received video stream into a plurality of video streams corresponding to the respective videos.” (Underlining is added for emphasis). As will be explained below, at least these features of claim 9 provide distinctions over each of Dureau and Chuang, and thus over the combination of Dureau and Chuang.

Dureau recites in paragraph [0008] that “Broadcast systems (e.g., interactive television systems) transmit information in a carousel format in order to allow receivers in the system to selectively obtain particular pieces of information in the carousel without requiring a return path from the receivers to the server. If a particular receiver needs a particular piece of information, it can simply wait until the next time that piece of information is broadcast, and then extract the information from the broadcast data stream.” (Underlining is added for emphasis) Dureau merely indicates that the receiver extracts the information the receiver needs from the broadcast data stream, but fails to recite the receiver extracts a plurality of data streams from the broadcast data stream. Therefore, Dureau’s “extracting the information from the broadcast data stream” is different from the claimed “separat[ing] the received video stream into a plurality of video streams”. Hence, the noted features of claim 9, namely “a receiving unit to receive a video stream containing a plurality of videos of different image qualities delivered via a first network and separate the received video stream into a plurality of video streams corresponding to the respective videos” provides distinctions over Dureau. The noted features also provide distinctions over Chuang as evidenced, e.g., by the

Office Action. That is, the Office Action does not assert Chuang as disclosing the noted features.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinctions of claim 9 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 9. Claims 3, 5, 6 ultimately depend from claim 9, respectively, and so at least similarly distinguish over the asserted combination of references.

Claim 8 depends from independent claim 9. A basis for how Dureau and Chuang is deficient vis-à-vis claim 9 has been discussed above. The Office Action does not rely upon Tabatabai to compensate for the noted deficiencies. Hence, the noted features of claim 9 also provide distinctions over Tabatabai. Accordingly, claim 8 similarly distinguishes over the asserted combination of references.

#### **INDEPENDENT CLAIM 10**

As an example, independent claim 10 recites (among other things) features of "a video selection server to receive the video stream delivered via the first network, separate the received video stream into a plurality of video streams corresponding to the respective videos" (Underlining is added for emphasis). The underlined portion of the features of claim 10 corresponds to the noted features of claim 9, which distinguish over Dureau and Chuang. Accordingly, the noted features of claim 10 also provide distinctions over Dureau and Chuang. Claims 11 and 12 ultimately depend from claim 10, respectively, and so at least similarly distinguish over the asserted combination of references.

#### **INDEPENDENT CLAIMS 13 and 15**

As an example, independent claims 13 and 15 recite (among other things) features of "separating the received video stream into a plurality of video streams corresponding to the respective videos" (Underlining is added for emphasis). The underlined portion of the noted features of claims 13 and 15 correspond to the

**PATENT**

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noted features of claim 9 that provide distinctions over Dureau and Chuang. Accordingly, the noted features of claims 13 and 15 also provide distinctions over Dureau and Chuang.

In view of the foregoing discussion, the rejection of claims 1-3, 5, 6, 8-13, and 15 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

**Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: July 22, 2009

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